

Atty Docket No.: R0032H-DIV  
USSN: 10/731,607

### REMARKS

Claims 66-73, 84 and 85 are pending in the above-identified patent application. Claims 66, 69 and 70 are amended herein. Claims 74-83 are canceled. New claims 84 and 85 are submitted herewith. No new matter is introduced.

1. Restriction

The Applicants have canceled claims 74-83, which represent non-elected subject matter. Claim 66 has been amended to limit the recitation of the variable "X" to N only, in accordance with Applicants' election of Group III.

2. Rejections Under 35 USC §112, First Paragraph

Claims 66, 69 and 70 were rejected under 35 USC §112 first paragraph as failing to comply with the written description requirement. The Examiner indicated that there is a lack of description as to whether the claimed compounds are able to be maintained in all unknown crystal forms, and that the specification fails to describe the crystalline forms of any of the elected compounds in terms of their X-ray diffraction patterns or infrared spectrum data.

Applicants have amended claims 66, 69 and 70 to delete the phrases "or crystal form" and "or a crystal form thereof" from claims 66, 69 and 70. Applicants believe that claims 66, 69 and 70 as amended meet the written description criteria of 35 USC §112 first paragraph.

3. Rejections Under 35 USC §112, Second Paragraph

Claims 66, 69 and 70 were rejected under 35 USC §112 second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. The Examiner stated that the expression "crystal form" is indefinite as to its meaning, and further that the phrase "R<sup>6</sup> is absent when X is S or O" is no longer necessary. Applicants have amended claims 66, 69 and 70 to delete the phrases "crystal form" and "R<sup>6</sup> is absent when X is S or O". Applicants

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believe that claims 66, 69 and 70 as amended meet requirements of 35 USC §112 second paragraph.

4. New Claims

New dependent claim 84 recites a pharmaceutical composition comprising a compound of claim 66 and a pharmaceutically acceptable carrier. Applicants believe that claim 84 is in proper form and does not represent a combination therapy claim.

New dependent claim 85 recites a method of using a compound of claim 66 for treatment of specific forms of urinary incontinence (previously recited in canceled claim 81. Applicants respectfully believe that claim 85 does not represent multiple uses.

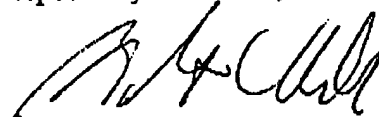
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### CONCLUSION

The Applicants respectfully believe that all claims pending in the above-identified case are now in condition for allowance. If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-354-7540.

No fees should be due. However, in the event it is determined that a fee is due, please charge same to Deposit Account No. 18-1700.

Respectfully submitted,



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